

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION**

Rosenda Perez Ramirez,

Case No. 1:20-cv-01826-GSA

Plaintiff,

V.

Kilolo Kijakazi, Acting  
Commissioner of Social Security,

Defendant.

**STIPULATION FOR THE AWARD  
AND PAYMENT OF ATTORNEY  
FEES AND EXPENSES PURSUANT  
TO THE EQUAL ACCESS TO  
JUSTICE ACT; ORDER**

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of ONE THOUSAND SIX-HUNDRED TWENTY-SEVEN DOLLARS and 00/100 (\$1,627.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Counsel, pursuant to

1 the assignment executed by Plaintiff. Any payments made shall be delivered to  
2 Plaintiff's counsel, Jonathan O. Peña.

3 This stipulation constitutes a compromise settlement of Plaintiff's request for  
4 EAJA attorney fees, and does not constitute an admission of liability on the part of  
5 Defendant under the EAJA or otherwise. Payment of the agreed amount shall  
6 constitute a complete release from, and bar to, any and all claims that Plaintiff and/or  
7 Counsel including Counsel's firm may have relating to EAJA attorney fees in  
8 connection with this action.

9 This award is without prejudice to the rights of Counsel and/or Counsel's firm  
10 to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the  
11 savings clause provisions of the EAJA.

12 Respectfully submitted,

13  
14 Dated: December 1, 2021

15 /s/ Jonathan O. Peña  
16 JONATHAN O. PEÑA  
17 Attorney for Plaintiff

18 Dated: December 10, 2021

19 PHILLIP A. TALBERT  
20 Acting United States Attorney  
21 DEBORAH LEE STACHEL  
22 Regional Chief Counsel, Region IX  
23 Social Security Administration

24 By: \* Marcelo N. Illarmo  
25 Marcelo N. Illarmo  
26 Special Assistant U.S. Attorney  
27 Attorneys for Defendant  
28 (\*Permission to use electronic signature  
obtained via email on December 10, 2021).

## ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses (the "Stipulation"),

**IT IS ORDERED** that fees and expenses in the amount of ONE THOUSAND  
SIX-HUNDRED TWENTY-SEVEN DOLLARS and 00/100 (\$1,627.00) as authorized  
by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), be awarded subject to  
the terms of the Stipulation.

IT IS SO ORDERED.

Dated: December 14, 2021

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE